SUPREME COURT OF THE UNITED STATES.

No. 175.

ISRAEL G. LASH, APPELLANT,

vs.

LYMAN DAYTON ET AL.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF MINNESOTA.

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1 UNITED STATES OF AMERICA, *ss:*

To Lyman Dayton, greeting:

Whereas Israel G. Lash has appealed to the Supreme Court of the United States from a decree lately rendered in the circuit court of the United States for the district of Minnesota, in a cause therein pending, wherein he, the said Israel G. Lash, was plaintiff, and you, the said Lyman Dayton and Maria B. Dayton, your wife, John B. Cronin, Benjamin Hurxthal, J. Newton Sears, Walter W. Webb, William J. Smith, Ira Bidwell, John R. Madison, John C. Quimby, Cephas W. Carpenter, John Doherty, and Peter Berry were defendants, and has given the security required by law, you are therefore hereby cited and admonished to be and appear before the said Supreme Court, next to be holden at the city of Washington, in the District of Columbia, on the first Monday in December next, and then and there to answer to said appeal and to stand and abide such order and decree in the premises as to said court shall seem meet.

Witness the Honorable Rensellaer R. Nelson, one of the judges of the circuit court of the United States for the district of Minnesota, this ninth day of July, in the year of our Lord one thousand eight hundred and sixty-four.

R. R. NELSON, *U. S. Judge.*

2 Service of the within is admitted this 9th day of July, 1864.

SMITH & GILMAN, *Sol's for Def'ts.*

Filed July 9, 1864.

H. E. MANN, *Clerk.*

3 UNITED STATES OF AMERICA,
District of Minnesota, ss:

Pleas before the honorable the judges of the circuit court of the United States of America for the district of Minnesota, of the October term of said court, held at Saint Paul, in said district, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States the eighty-eighth year.

ISRAEL G. LASH
vs.
LYMAN DAYTON AND MARIA B. DAYTON, HIS WIFE, JOHN B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, William J. Smith, Ira Bidwell, John R. Madison, John C. Quimby, Cephas W. Carpenter, John Doherty, and Peter Berry.

DISTRICT OF MINNESOTA, *ss:*

Be it remembered, that on this ninth day of January, in the year of our Lord one thousand eight hundred and sixty-three, came Israel G. Lash above named, by Lorenzo Allis, his solicitor and of counsel, and filed in the clerk's office of said court his bill of complaint in the words and figures following, viz:

4 To the honorable the judges of the circuit court of the United States for the district of Minnesota, sitting in equity:

Israel G. Lash, of Salem, in the State of North Carolina, and a citizen of the State of North Carolina, brings this his bill against Lyman Dayton and Maria B. Dayton, his wife, John B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, William J. Smith, Ira Bidwell, John R. Madison, John C. Quimby, Cephas W. Carpenter, John Doherty, and Peter Berry, of Saint Paul, in the State of Minnesota, and citizens of the State of Minnesota.

And thereupon your orator complains and says that heretofore, to wit, on the 15th day of June, A. D. 1859, at Saint Paul, in the State of Minnesota, the aforesaid defendant, Lyman Dayton, for value received, made his certain promissory note in writing, bearing date at the time and place aforesaid, whereby six months after the date thereof he promised to pay to the order of your orator the sum of four hundred and fifty dollars, with interest thereon, after the maturity thereof, at the rate of fifteen per cent. per annum, and then and there delivered the said note to your orator.

And that, also, on the day aforesaid, and at the place aforesaid, the said defendant, Lyman Dayton, for value received, made his certain other promissory note in writing, bearing date at the time and place aforesaid, whereby twelve months after the date thereof he promised to pay to the order of your orator the sum of four hundred and fifty dollars, with interest thereon, after the maturity thereof, at the rate of fifteen per cent per annum, and then and there delivered the said note to your orator.

And that, also, on the day aforesaid, and at the place aforesaid, the
5 said defendant, Lyman Dayton, for value received, made his certain other promissory note in writing, bearing date at the time and place aforesaid, whereby eighteen months after the date thereof he promised to pay to the order of your orator the sum of four hundred and fifty dollars, with interest thereon, after the maturity thereof, at the rate of fifteen per cent. per annum, and then and there delivered the said note to your orator.

And that, also, on the day aforesaid, and at the place aforesaid, the said defendant, Lyman Dayton, for value received, made his certain other promissory note in writing, bearing date at the time and place aforesaid, whereby two years after the date thereof he promised to pay to the order of your orator the sum of sixty-four hundred and fifty dollars, with interest thereon, after the maturity thereof, at the rate of fifteen per cent. per annum, and then and there delivered the said note to your orator, as by the said note, ready to be produced by your orator as your honors shall direct, will more fully appear.

And that to secure the payment of the principal and interest mentioned in said notes the said Lyman Dayton and Maria B. Dayton, his wife, did, on the 15th day of June, A. D. 1859, aforesaid, duly execute under their hands and seals and deliver to your orator a certain indenture of mortgage, bearing date on the day last aforesaid, whereby they granted, bargained, and sold, and conveyed unto your orator and to his heirs and assigns forever all and singular the following described lands and real estate, with their appurtenances, situate in the county of Ramsey, in the State of Minnesota, to wit: blocks thirty-nine, (39,) fifty, (50,) and fifty-five, (55,) in Lyman Dayton's addition to the city of Saint Paul, according to the plat thereof on record in the office of the register of deeds for the county of Ramsey aforesaid,
6 upon the condition, however, that if the said Lyman Dayton, his heirs, executors, or administrators, should pay or cause to be paid to your orator, his executors, administrators, or assigns, the principal and interest mentioned in the aforesaid promissory notes according to the tenor and conditions thereof, then the said indenture of mortgage should be void; otherwise, it should be and remain in full force and effect; which indenture of mortgage was duly acknowledged by the said mortgagors, and was afterwards, to wit, on the 16th day of June, A. D. 1859, at $1\frac{3}{4}$ o'clock in the afternoon of that day, duly recorded as a mortgage in the office of the register of deeds for the county of Ramsey aforesaid, as by the said mortgage and the certificates of acknowledgment and of the recording aforesaid endorsed thereon and ready to be produced as your honors shall direct, will more fully appear.

And your orator further states that the mortgagors aforesaid have wholly failed to comply with the condition of the said mortgage and have absolutely refused, and do now absolutely refuse, to pay the principal and interest mentioned in said notes, although often thereto requested by your orator.

And that no part of the principal or interest mentioned in the said notes has ever been paid or collected, except only the principal and interest of the three notes first above mentioned, which have been heretofore duly paid, and also the sum of four hundred and fifty dollars, which was paid upon the note last above mentioned on the 15th day of June, A. D. 1861, and the interest upon the note last aforesaid up to the fifteenth day of December, A. D. 1861.

7 And that there now remains due and unpaid to your orator upon the notes last above mentioned and said mortgage the sum of six thousand dollars, together with interest thereon from and after the 15th day of December, A. D. 1861.

And that no proceedings have been had at law for the recovery of the aforesaid debt, secured by the said note and mortgage or of any part thereof.

And your orator further says that sundry taxes and assessments have been heretofore duly made on said premises, which the said mortgagors have wholly neglected and refused to pay, amounting in the aggregate to the sum of one hundred and seventy dollars and ninety-three cents; and that your orator hath been obliged to pay, and hath actually paid the same, and that sundry other taxes and assessments may be duly made on said premises before the same shall be sold under the decree in this cause, and that all said taxes and assessments are a lien on the said premises prior to the said mortgage of your orator.

And your orator further says that the aforesaid defendants, John B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, William J, Smith, Ira Bidwell, John R. Madison, John C. Quimby, Cephas W. Carpenter, John Doherty, and Peter Berry, have or claim some interest in the said mortgaged premises, or some part or parts thereof, as subsequent purchaser or incumbrancer or otherwise.

To the end, therefore, that the said defendants may if they can show why your orator should not have the relief hereby prayed, and may without oath (their answers on oath being hereby waived,) and according to the best and utmost of their several and respective knowledge, remembrance, information and belief, full, true, direct, and perfect answer make to all and singular the

8 premises aforesaid. And that the usual decree may be made for the sale of the said mortgaged premises and for the payment of all legal taxes and assessments upon said premises which shall be due and unpaid at the date of such sale, or which shall then have been paid or advanced by your orator, and for the payment of the amount due and to become due to your orator for principal and interest upon the said note and mortgage and the costs and disbursements of this suit.

And that the said defendants and all persons claiming under them subsequent to the commencement of this suit, and all persons who have any liens by judgment or decree or otherwise upon the said mortgaged premises subsequent to the said mortgage of your orator, or any liens or claims thereon by or under any such subsequent judgment or decree, either as purchasers, incumbrancers or otherwise, may be barred and foreclosed of all equity of redemption in the said mortgaged premises and every part and parcel thereof.

And that the said Lyman Dayton may be decreed and directed to pay to your orator any balance of the principal or interest of the said mortgage debt that may remain unsatisfied after the sale of the said mortgaged premises as aforesaid.

And that your orator may have such other and further relief in the premises as the nature of the case may require and as may be agreeable to equity:

May it please your honors to grant unto your orator the writ of subpœna of the United States of America, issued out of and under the seal of this court to be directed to the said defendants, Lyman Dayton and Maria
9 B. Dayton, his wife, John B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, Ira Bidwell, John R. Madison, William J. Smith, John C. Quimby, Cephas W. Carpenter, John Doherty, and Peter Berry, commanding the said defendants, at a certain day and under a certain penalty therein to be specified, personally to be and appear before your honors in this court, and then and there to answer to all and singular the premises and to stand and abide such order and decree therein as to your honors shall seem meet.

And you orator shall ever pray, &c.

LORENZO ALLIS,
Solicitor and of Counsel for Plaintiff.

And thereupon, upon application of said solicitor, a writ of subpœna was duly issued out of said court, under the seal thereof, duly tested, and in the words and figures following, viz:

UNITED STATES OF AMERICA, *District of Minnesota, ss:*

The United States of America to Lyman Dayton and Maria B. Dayton, his wife, John B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, William J. Smith, John C. Quimby, Ira Bidwell, John R. Madison, Cephas W. Carpenter, John Doherty, and Peter Berry, greeting:

We command you and every of you that you appear before our judges of our circuit court of the United States of America for the district of
10 Minnesota, at Saint Paul, in said district, on the first Monday in the month of February next, to answer the bill of complaint of Israel G. Lash, this day filed in the clerk's office of said court, in said city of Saint Paul, then and there to receive and abide by such judgment and decree as shall then or thereafter be made, upon pain of judgment being pronounced against you by default.

To the marshal of the district of Minnesota to execute.

Witness the Hon. Roger B. Taney, chief justice of the Supreme Court of the United States of America, at St. Paul aforesaid, this ninth day of January, in the year of our Lord one thousand eight hundred and sixty-three, and of our independence the eighty-seventh year.

H. E. MANN, *Clerk,*
By I. N. CARDOZO, *Deputy.*

Memorandum.

The within-named defendants are notified that unless they enter their appearance in the clerk's office of said court at Saint Paul aforesaid, on or before the day to which the within writ is returnable the complaint will be taken against them as confessed and a decree entered accordingly.

LORENZO ALLIS, *Pl. Sol'r.*

Which said process of subpœna was afterwards duly returned to said clerk's office endorsed by the marshal of the district of Minnesota as follows, viz:

DISTRICT OF MINNESOTA, *ss:*

I hereby certify that I served the within subpœna in chancery on
11 the within-named Lyman Dayton and wife, by delivering to said Lyman Dayton a certified copy hereof, and served the same on Walter W. Webb, William J. Smith, Ira Bidwell, Cephas W. Carpenter, and Peter Berry personally, by delivering certified copy thereof to each of said defendants at St. Paul, in said dist., Jan'y 10th, 1863, and served the same on the within-named John Doherty personally, by delivering to him a certified copy hereof at St. Paul, in said dist., Jan'y 12th, 1863; John B. Crowin, Benj. Hurxthall, J. Newton Sears, John B. Madison, and John C. Quimby not found.

CHAS. EATON, *U. S. M.*

Service	$16 00
16 miles	96
	16 96

And afterwards, to wit, on the second day of February, in the year of our Lord one thousand eight hundred and sixty-three, at rules, held at the clerk's office of said court, the following proceeding, among others, was had:

Of 1st Monday in February, 1863.

ISRAEL G. LASH
vs.
LYMAN DAYTON, WIFE, JOHN B. CROWIN AND OTHERS. } In chancery.

And now come the defendants Lyman Dayton and Maria B. Dayton, his wife, and enter their appearance. And on motion of Smith & Gilman, solicitors and of counsel for said defendants, ordered that the appearance of said defendants be, and the same is hereby, entered.

12 And afterwards, to wit, on the second day of February, in the year of our Lord one thousand and eight hundred and sixty-three, came the said defendant Lyman Dayton, by Smith & Gilman, his solicitors, and filed in the clerk's office of said court his plea to the plaintiff's bill of complaint in the words and figures following, viz:

Circuit court of the United States for the district of Minnesota.

ISRAEL G. LASH
vs.
LYMAN DAYTON AND WIFE *et al.* } In equity.

The plea of Lyman Dayton, one of the defendants to the bill of Israel G. Lash, complainant, exhibited against him and the other said defendants in said bill mentioned.

This defendant by protestation, not confessing nor acknowledging all nor any of the matters and things in the said complainant's bill of complaint mentioned and contained to be true in such sort, manner, and form as the same are therein set forth and alleged, for plea thereto saith that said complainant, Israel G. Lash, on the seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, owned property within the loyal State of Minnesota, consisting of the said moneys and indebtedness secured in and by the said mortgage in said complainants said bill of complaint named, in the hands of this defendant, within
13 said State of Minnesota, and the said mortgage security therefor, the same then and still being within the district of Minnesota afore-

said, and that after the said seventeenth day of July, A. D. 1862, and before the time of the filing of said bill of complaint in this court, the said complainant, Israel G. Lash, still being the owner of said property within said district, did, contrary to the form of the statute in such case made and provided, unlawfully assist and at the State of North Carolina give aid and comfort to the rebellion then and still existing and prosecuted in the name of the Confederate States of America against the United States of America, by knowingly and voluntarily contributing money and other property (the amount and value of which this defendant is unable to state) to the persons engaged in prosecuting said rebellion against the said United States, used, and with the intent that the same should be used, in prosecuting said rebellion, and then and there by inducing persons to engage in the prosecution of said rebellion against the government and authority of the United States in aiding the prosecution of said rebellion.

Therefore this defendant humbly prays the judgment of this honorable court whether he shall be compelled to make any other or further answer to the said bill of complaint, and humbly prays to be dismissed with his reasonable costs in this behalf sustained.

SMITH & GILMAN,
Solicitors and Counsel for Def'ts.

DISTRICT OF MINNESOTA :

I, J. M. Gilman, do certify that I am of counsel for the defendant
14 Lyman Dayton in this case and that in my opinion the foregoing plea is well founded in point of law.

J. M. GILMAN.

UNITED STATES OF AMERICA, *District of Minnesota, ss:*

Said Lyman Dayton, being duly sworn, says that he is the defendant above named; that he knows the contents of the foregoing plea; that the same is not interposed for the purpose of delay, and that it is true in point of fact, as he verily believes.

LYMAN DAYTON.

Sworn to and subscribed before me this 2d day of March, A. D. 1863.
I. N. CARDOZO, *Dep'y Clerk.*

And afterwards, to wit, on the second day of March, in the year of our Lord one thousand eight hundred and sixty-three, came the said plaintiff, by his said solicitor, and filed in the clerk's office of said court his replication to the plea of Lyman Dayton, defendant, in the words and figures following, viz :

Circuit court of the United States for the district of Minnesota.

The replication of Israel G. Lash, complainant, to the plea of Lyman Dayton, defendant.

This repliant, saving and reserving unto himself all and all manner of advantage or exception to the manifold insufficiencies of the said
15 plea, for replication thereunto saith that he will aver and prove his said bill to be true, certain, and sufficient in the law to be answered unto, and that the said plea of the said defendant is uncertain, untrue, and insufficient to be replied unto by this repliant, without this, that any other matter or thing whatsoever in the said plea contained material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as in and by his said bill he hath already prayed.

LORENZO ALLIS,
Solicitor and of Counsel for Pl'ff.

And afterwards, to wit, at rules, held at the clerk's office of said court, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-three, the following, among other proceedings, was had, viz:

ISRAEL G. LASH
vs.
LYMAN DAYTON AND MARIA B. DAYTON, HIS WIFE, and others. } In chancery.

And now comes the plaintiff, by Lorenzo Allis, his solicitor, on whose motion it is ordered that this cause be, and it is hereby, set down for hearing at the next general term of this court, on the third Monday in June, A. D. 1863, or whenever thereafter this cause shall come on for hearing, and that the usual subpœna to hear judgment issue.

16 And thereupon, upon application of said plaintiff's solicitor, a writ of subpœna to hear judgment was duly issued out of said court, under the seal thereof, duly tested, and in the words and figures following, viz:

UNITED STATES OF AMERICA, *District of Minnesota, ss:*

The President of the United States of America to Lyman Dayton, Maria B. Dayton, his wife, John B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, William J. Smith, John C. Quimby, Ira Bidwell, John R. Madison, Cephus W. Carpenter, John Doherty, and Peter Berry, greeting:

We command you that you appear before our circuit court of the United States of America for the district of Minnesota, at St. Paul, in said district, on the third Monday of June, A. D. 1863, at 11 o'clock in the forenoon, or whenever thereafter a certain cause now depending in said court before the judges thereof, wherein Israel G. Lash is plaintiff and you are defendants, shall come on for hearing, then and there to receive and abide by such judgment or decree as shall then or thereafter be made and pronounced therein upon pain of judgment being pronounced against you by default.

Witness the Hon. Roger B. Taney, chief justice of the Supreme Court of the United States of America, at St. Paul aforesaid, this first day of June, in the year of our Lord one thousand eight hundred and sixty-three, and of our independence the eighty-seventh year.

H. E. MANN, *Clerk.*

17 LORENZO ALLIS, *Plaintiff's Solicitor.*

Which said process of subpœna to hear judgment was afterwards duly returned to said clerk's office indorsed by the marshal of the district of Minnesota as follows, viz:

Served the within subpœna on the within-named L. Dayton and wife by delivering copy to Smith & Gilman, their attorneys. Served the same on Ira Bidwell, Peter Berry, Walter W. Webb, Cephus W. Carpenter, Wm. J. Smith, personally, at Saint Paul, in said dis't, June 5, 1863, and served the same on John Doherty June 8, 1863.

CHAS. EATON, *U. S. M.*

Service	$14 00
Travel	12
	14 12

And afterwards, to wit, at a general term of said court, held at the city of Saint Paul on the third Monday in the month of June, in the year of our

Lord one thousand eight hundred and sixty-three, the following proceedings, among others, were had, to wit:

On the first day of said term:

ISRAEL G. LASH
vs.
LYMAN DAYTON *et al.* } In chancery.

Defendants' counsel gave notice of a motion for further time to take testimony and for the continuance of cause until next term.

On the fifth day of said term:

18 ISRAEL G. LASH
vs.
LYMAN DAYTON AND OTHERS. } In chancery.

The motion heretofore made in this cause was argued by counsel and submitted to the court; whereupon, upon consideration thereof, it is by the court ordered that three months' additional time be, and the same is hereby, granted to said defendant to take testimony in said cause, and that this cause stand continued until the next term of this court.

And afterwards, to wit, at a general term of said court, begun and held at the city of Saint Paul, in said district, on the third Monday in the month of October, in the year of our Lord one thousand eight hundred and sixty-three, on the sixteenth day of said term and on the sixth day of November, in said year, the following proceedings, among others, were had:

ISRAEL G. LASH
vs.
LYMAN DAYTON *et al.* } In chancery.

This cause came on to be heard at this term and was argued by counsel and submitted to the court, and by the court held under advisement.

ISRAEL G. LASH
vs.
LYMAN DAYTON *et al.* } In chancery.

19 This cause having come on to be heard at this term, and having been argued by counsel and submitted to the court, thereupon, upon consideration thereof, it is by the court ordered, adjudged, and decreed that the plaintiff's bill of complaint be, and the same is hereby, dismissed out of court without prejudice to such other or further proceedings or suit in the premises as the plaintiff may be advised.

R. R. NELSON, *U. S. Judge*

And afterwards, to wit, on the ninth day of July, in the year of our Lord one thousand eight hundred and sixty-four, came the said plaintiff, by Lorenzo Allis, his solicitor, and filed in the clerk's office of said court his petition for appeal in the words and figures following, viz:

ISRAEL G. LASH, plaintiff and appellant,
vs.
LYMAN DAYTON, IMPLEADED WITH MARIA B. DAYTON, HIS wife, John B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, William J. Smith, Ira Bidwell, John R. Madison, John C. Quimby, Cephas W. Carpenter, John Doherty, and Peter Berry, defendant and appellee. } In equity.

20 To the honorable the Supreme Court of the United States:

The petition of appeal of Israel G. Lash, the above-named plaintiff and appellant, respectfully showeth that heretofore, to wit, at the October

term of the year A. D. 1863 of the circuit court of the United States for the district of Minnesota a final decree was rendered by said court, sitting in equity, in a certain cause therein pending, wherein your petitioner was plaintiff and Lyman Dayton and Maria B. Dayton, his wife, John B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, William J. Smith, Ira Bidwell, John R. Madison, John C. Quimby, Cephus W. Carpenter, John Doherty, and Peter Berry were defendants, which said decree is erroneous, and ought to be reversed, as your petitioner is advised, and that the matter thereby in dispute, exclusive of costs, exceeds the sum of two thousand dollars.

Wherefore this appellant appeals from the said decree of the said court to the Supreme Court of the United States next to be holden at the city of Washington, in the District of Columbia, and prays that the said decree and a transcript of the bill of complaint, pleadings, and all other proceedings of what kind soever in the said cause may be duly transmitted to the said Supreme Court, and that said Supreme Court may receive, hear, and determine said appeal, and that the said decree may be reversed, and that such other or further order and decree may be made by the said Supreme
21 Court in the premises as the nature of the case may require and as may be agreeable to equity, and that this appellant may be restored to all things which he hath lost by the said decree above complained of, and may have all the relief which he hath prayed for in his said bill of complaint. And this appellant will ever pray, &c.

LORENZO ALLIS,
Solicitor and of Counsel for Pl'ff.

And afterwards, to wit, on the 9th day of July, in the year of our Lord one thousand eight hundred and sixty-four, his honor R. R. Nelson, associate justice of said circuit court, duly allowed the plaintiff's said appeal in said cause, by his order then duly made in said cause and filed in the clerk's office of said circuit court, and in the words and figures following, viz:

Circuit court of the United States for the district of Minnesota, in equity.

ISRAEL G. LASH, plaintiff,
vs.
LYMAN DAYTON, MARIA B. DAYTON, HIS WIFE, JOHN B. Crowin, Benjamin Hurxthall, J. Newton Sears, Walter W. Webb, William J. Smith, Ira Bidwell, John R. Madison, John C. Quimby, Cephas W. Carpenter, John Doherty, and Peter Berry, defendants.

22 In this cause, this ninth day of July, A. D. 1864, came the plaintiff, by his solicitor, Lorenzo Allis, and exhibiting his petition praying for an appeal to the Supreme Court of the United States, next to be holden at the city of Washington, in the District of Columbia, on the first Monday of December, A. D. 1864, from the final decree heretofore rendered in this cause, as in said petition is complained of, and showing that the matter in dispute, exclusive of costs, exceeds the sum of two thousand dollars, and furnishing the security required by law, moved that an appeal be allowed in accordance with the prayer of said petition; and thereupon it is ordered that the appeal prayed for be, and the same is hereby, allowed, and that the appellant serve the usual citation according to law.

R. R. NELSON, *U. S. Judge.*

23 UNITED STATES OF AMERICA, *ss:*

Circuit court of the United States for the district of Minnesota.

I, H. E. Mann, clerk of said circuit court for the district of Minnesota, do hereby certify and return to the honorable the Supreme Court of the United States of America that the foregoing is a true and complete transcript of the record, process, pleadings, orders, final decree, and all other proceedings in said cause, and also of all the depositions, exhibits, and proofs taken therein, as appears from the original records and files of said court. And I do further certify and return that I have annexed to said transcript, and do hereby transmit therewith, the original citation of appeal, together with the proof of the service thereof.

In witness whereof, I have hereunto set my hand and affixed the seal of the said court, at Saint Paul, in the district aforesaid, this fifteenth day of September, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States the eighty-ninth year.

[SEAL.] H. E. MANN, *Clerk.*

Fees:	49 folios copy	$4 90
	2 folios certificate	30
	Seal	26
		5 40

Filed November 10, 1864.